

STATUS OF CLAIMS

Claims 1-10 are pending.

Claims 1-5 and 9-10 stand rejected.

Claims 6-8 stand objected to.

Claims 1-10 have been amended without prejudice herein.

REMARKS

Reconsideration of this application is requested.

Allowable Subject Matter

Applicant acknowledges that Claims 6-8 are indicated to be allowable if rewritten in independent form to recite all of the limitations of the base claim, and any intervening claims, upon which they rely.

Specification

The specification stands objected to for allegedly failing to provide proper antecedent basis for the claimed subject matter. Applicant has amended the claims to omit “means plus function” limitations objected to by the Examiner. Accordingly, this objection is deemed moot.

Applicant has also amended the abstract herein consistently with the Examiner’s recommendation.

Reconsideration and removal of all objections to the specification is requested.

Drawings

The drawings stand objected to because “reference character ‘93’ has been used to designate both means for blocking and additional means for blocking in the claims.” Applicant has amended the claims to omit these reference characters and to clarify the recitation of the shoulder feature.

Accordingly, Applicant submits all requirements with regard to the figures have been met, and respectfully requests reconsideration and removal of the objections to the drawings.

35 U.S.C. 112, Second Paragraph, Rejections

Claims 4, 5 and 9 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention. The Office action argues the Claim 5 recitation of “a determined direction” is unclear. Applicant has amended Claim 5 without prejudice to omit this recitation. The Office action argues Claim 9 refers to “flexible tab (86, 88)” using the same reference characters previously referred to as the means for releasing. Applicant has amended the claims to omit reference characters and “means plus function” limitations. The Office action further asserts that Claim 4 recites “shoulder (93)” using the same reference character as “additional means for blocking”. Applicant has amended the claims to omit reference characters and “means plus function” limitations. The Office action argues Claim 9 lacks proper antecedent basis for “the leg”, “the reinforcing piece” and “the shoulder”. Applicant has amended Claim 9 to depend from Claim 5.

In view of the foregoing, Applicant submits the rejections to Claims 4, 5 and 9 pursuant to 35 U.S.C. §112, second paragraph, have been overcome, and respectfully requests reconsideration and removal thereof. In addition, Claims 1-10 have been amended, without prejudice, to improve readability, and to better conform to U.S. practice. No new matter has been added.

35 U.S.C. 102 and 103 Rejections

Claims 1-4 stand rejected under 35 U.S.C. 102(b) as being anticipated by Karkan (United States Patent No. 5,361,524). Claims 5 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Karkan in view of Du (United States Patent No. 6,669,530). Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Karkan in view of Du, and further in view of Fegley (United States Patent No.

4,454,963). Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. 102(b) recites:

A person shall be entitled to a patent unless - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States

Consistently, a claim is anticipated pursuant to 35 U.S.C. 102 only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See, *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). In other words, in order for a prior art reference to anticipate a claim, “the identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). And, each of the claim elements must be arranged as required by the claim. See, *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Karkan fails to disclose, teach or suggest each of the limitations of present Claim 1.

Amended Claim 1 recites, in part, “a shoulder blocking the slide with respect to the casing in a stop position; [and] a compressed gas cartridge being slid along with the slide and, when the slide is blocked in the stop position, projected against the striker to be opened by the striker.” Support for such limitations can be found throughout the application as originally filed. For example, Figs. 1 and 2 of the subject application illustrate such a configuration. Further, such a configuration is discussed: at page 7, in lines 8-10, wherein it teaches, “[o]pening 13 comprises a shoulder 93”; at page 7, in lines 22-25, wherein it teaches, “a compressed gas cartridge 72 is introduced into cavity 52 of slide 48”; and on page 8, in lines 3-7, wherein it teaches, “[w]hen collar 56 of slide 48 stops against shoulder 93, slide 48 abruptly stops. Cartridge 72 is then projected against striker 30. The kinetic power acquired by cartridge 72 is sufficient to cause the opening of cartridge 72 in the shock with striker 30.” Accordingly, no new matter has been added.

Karkan fails to disclose, teach or suggest such a limitation. The Office action argues Karkan teaches, "means (100, 101) for blocking the slide with respect to the casing in a stop position comprising a shoulder." However, in such a stop position the Karkan cartridge is not projected against a striker and opened – as is recited by Claim 1.

Karken identifies a safety ring 100 having a safety band 101. Karken explicitly teaches:

A firing safety ring 100 is slidably engaged to the forward end of the handle 12. As is best seen with the aid of FIG. 4, the safety ring 100 is formed as a circular band 101 having an arcuate gap 102 formed therein, with radially projecting finger manipulation tabs 104 formed from each end of the band 101. The safety band 100 is formed with a diameter which permits it to slidably reside about the outer surface of the handle 12 between two radially projecting annular ridges 110. As is best seen in FIGS. 1 and 2, the forward end 112 of the bolt slot 32 projects into the frontward portion of the handle 12 between the two annular rings 110, such that FIG. 1 depicts the device in the fired position, whereas the position of the firing bolt 30 depicted in FIG. 2 is in the safety position. More specifically, when the safety band 100 is rotated between the annular projections 110, such that a portion of the body 101 of the safety band 100 covers the forward end 112 of the slot 32 (see FIG. 2), the firing hammer 50 cannot make contact with the gas cartridge 32 because the firing bolt 30 is prevented from traveling to the forward end 112 of the slot 32 by the portion of the safety band 101 which covers the slot 32. Conversely, when the safety band 100 is rotatably positioned such that the gap 102 is positioned over the forward end 112 of the bolt slot 32 (as depicted in FIG. 1), the firing bolt can progress forwardly to the fullest extent of the forward end 112 of the bolt slot 32, and the firing hammer 50 can make full impact with the gas cartridge 82, propelling it into the firing pin 84 and causing the discharge of the weapon. Col. 4, II. 11-37. (emphasis added)

Thus, the Karken safety ring 100 (having a safety ring body 101) is used to limit the stroke of hammer 50 in order to prevent hammer 50 from making contact with cartridge 82, and hence prevent the cartridge from being opened. In contrast, Claim 1 calls for a cartridge being slid along with the slide and, when the slide is

blocked in the stop position, being projected against the striker to be opened by the striker.

For non-limiting purposes of further explanation only, in the present invention, the slide is abruptly stopped before the cartridge makes contact with the striker. This allows the cartridge to bounce rearwards towards the slide after its opening and avoids the cartridge from being embedded on the striker which could disturb the liberation of gas from the cartridge. In contrast, Karken teaches that hammer 50 constantly pushes cartridge 82, even after the piercing of cartridge 82, so that cartridge 82 forms a sealing contact with a fixed cylindrical part 120 in order to drive the flow of gas outside cartridge 82. See, e.g., col. 5, ll. 11-25.

In view of the foregoing, the Karken reference fails to disclose, teach or suggest each of the features and limitations of independent Claim 1. Reconsideration and removal of this 35 U.S.C. § 102 rejection is respectfully requested.

CONCLUSION

Applicant believes he has addressed all outstanding grounds raised by the Examiner and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,



Edward J. Howard
Reg. No. 42,670
Plevy, Howard & Darcy, PC
P.O. Box 226
Fort Washington, PA 19034
(215) 542-5824 (Phone)
(215) 542-5824 (Fax)
Attorneys for Applicants

Dated: 8/28/06